HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No. 14540 of 2007

DATED: 23-07-2007

Between:

M.S.Reddy

…Petitioners

and

The Regional Manager, APSRTC,
Mahabubnagar Region,
Mahabubnagar and others

…Respondents.

HON'BLE SRI JUSTICE N.V.RAMANA

W.P.No. 14540 of 2007

ORAL ORDER:

The present writ petition is filed questioning the proceedings No.PA/19(19)-05-DVM:NGKL, dated 28-5-2005 issued by 2nd respondent imposing the punishment of reduction of pay by two incremental stage with cumulative effect and treating the period of suspension as "not on duty".

The petitioner, who is working as Conductor with the respondent-Corporation, was issued with a charge sheet alleging certain cash and ticket irregularities. After conducting a regular enquiry and considering the explanation submitted by the petitioner, the Depot Manager-respondent No.3, vide proceedings dated 24-3-2005 held that the petitioner has collected Rs.1150/- for requisite fare from a batch of four passengers who boarded the bus at Thane and bound for Solipur ex-stages 36 to 6 issued two full tickets and one half ticket and endorsed Rs.10/- as due amount to be refunded and not issued one half ticket worth Rs.190/- with a malafide intention to defraud the ticket fare amount while conducting the bus No. AP 11 Z 2551 in its down trip from Mumbai to Wanaparthy on 26-11-2004 and accordingly ordered removal of the petitioner from service. Aggrieved by the said orders, the petitioner preferred an appeal before the Divisional Manager-respondent No.2, which was modified to that of reduction in pay by two incremental stages with cumulative effect and treating the period of suspension as not on duty, vide his proceedings dated 28-5-2005. Aggrieved by the said order, the petitioner filed a review application before the 1st respondent. The said review application was also dismissed by order dated 26-9-2006. Hence, the present writ petition.

The only point for consideration in the present writ petition is whether the punishment imposed is disproportionate to the proved misconduct. The petitioner committed certain cash and ticket irregularities while conducting the bus bearing No. AP 11Z 2551 from Mumbai to Wanaparthy on 26-11-2004 and that having not satisfied with the explanation offered by the petitioner a regular enquiry was ordered, wherein the charges leveled against the petitioner were proved and based on the enquiry report, the 3rd respondent passed orders removing the petitioner from service. On appeal by the petitioner, the 2nd respondent on consideration of the matter to give last and final chance to the petitioner to correct himself, modified the punishment of removal from service into reduction in pay by two incremental stage with cumulative effect and treating the period of suspension as 'not on duty', and no exception can be taken thereto, more so having regard to the judgment of the apex Court in Regional Manager, ***Rajasthan SRTC v. Sohan Lal***[1], wherein it was held that it is not within the normal jurisdiction of the superior courts to interfere with the quantum of sentence imposed by the disciplinary authority, unless it is shown that the sentence imposed is wholly disproportionate to the misconduct proved. The petitioner has not made out any ground to show that the punishment imposed by the disciplinary authority is disproportionate to the proved misconduct.

There is no merit in the writ petition and the same is accordingly dismissed. No costs.

N.V.RAMANA, J

23-07-2007
GRR

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[1] (2004) 8 SCC 218